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SUBJECT: SRI LANKA: 1998 ANNUAL TERRORISM REPORT

REF: (A) STATE 202128, (B) COLOMBO 2736

¶1. THE FOLLOWING IS POST'S RESPONSE TO REF A REQUESTING INPUT FOR THE DEPARTMENT'S 1998 ANNUAL TERRORISM REPORT. THE GOVERNMENT OF SRI LANKA (GSL) CONTINUED TO BATTLE THE SEPARATIST LIBERATION TIGERS OF TAMIL EELAM (LTTE), THE ONLY TERRORIST GROUP CURRENTLY BELIEVED TO BE ACTIVE IN SRI LANKA. ON OCTOBER 8, 1997, THE DEPARTMENT DESIGNATED THE LTTE AS A FOREIGN TERRORIST ORGANIZATION UNDER PROVISIONS OF THE ANTI-TERRORISM AND EFFECTIVE DEATH PENALTY ACT OF ¶1996. THROUGHOUT 1998 THE GSL CONTINUED INTENSIFIED MILITARY OPERATIONS AGAINST THE LTTE. BETWEEN MAY 1997 (WHEN THE GOVERNMENT LAUNCHED A MAJOR OFFENSIVE TO OPEN A LAND-ROUTE TO JAFFNA) AND THE END OF 1998, OVER 5000 COMBATANTS ON BOTH SIDE COMBINED WERE KILLED IN THE FIGHTING. LTTE TERRORIST ACTIVITIES CONTINUED DURING THE YEAR, WITH, FOR EXAMPLE, A SHIP HIJACKING, A TRUCK BOMBING AT THE PRINCIPAL BUDDHIST TEMPLE IN SRI LANKA, AND A VEHICLE BOMBING IN COLOMBO WHICH LEFT 28 CIVILIANS DEAD. THERE IS ALSO COMPELLING EVIDENCE THE LTTE WAS RESPONSIBLE FOR SHOOTING DOWN A CIVILIAN AIRCRAFT ON SEPTEMBER 29, KILLING ALL 55 PASSENGERS AND CREW ONBOARD. THERE WAS NO EVIDENCE THE LTTE WAS USING THE INTERNET TO ATTACK GSL EMBASSIES OR OTHER TARGETS.

THE FOLLOWING RESPONSES ARE KEYED TO QUESTIONS A THROUGH K IN PARA 3 OF REFTTEL.

¶2. (A) THERE WERE NO GSL PROSECUTIONS OF PEOPLE INVOLVED IN INTERNATIONAL TERRORISM OR SIGNIFICANT ACTS OF DOMESTIC TERRORISM. MANY SUSPECTED MEMBERS OF THE LTTE HAVE BEEN ARRESTED AND DETAINED UNDER THE EMERGENCY REGULATIONS AND THE PREVENTION OF TERRORISM ACT AND SOME HAVE BEEN CHARGED WITH RELATIVELY MINOR OFFENSES SUCH AS WITHHOLDING INFORMATION. NO IMPORTANT LTTE LEADER HAS EVER BEEN APPREHENDED AND PROSECUTED. LTTE HEAD VELUPILLAI PRABHAKARAN AND NINE OTHER LTTE MEMBERS REMAIN INDICTED FOR COMPLICITY IN THE JANUARY 31, 1996 CENTRAL BANK BOMBING.

(B) THE GSL DID NOT EXTRADITE OR REQUEST THE EXTRADITION OF SUSPECTED TERRORISTS FOR PROSECUTION DURING THE YEAR. THE U.S. GOVERNMENT DID NOT REQUEST ANY EXTRADITIONS OR ASK FOR ASSISTANCE IN TERRORIST CASES. IN JUNE 1995, THE GOVERNMENT OF INDIA REQUESTED THE EXTRADITION OF LTTE HEAD PRABHAKARAN AND TWO OTHER SENIOR LTTE MEMBERS (INTELLIGENCE CHIEF POTTU AMMAN AND WOMEN'S WING LEADER AKILA, THE LATTER OF WHOM IS NOW BELIEVED DEAD) FOR THE ASSASSINATION OF RAJIV GANDHI. EXTRADITION PROCEEDINGS HAVE NOT BEGUN, AND IT SEEMS UNLIKELY THAT THESE LTTE LEADERS WILL BE APPREHENDED IN ANY EVENT.

(C) POST IS AWARE OF NO SIGNIFICANT IMPEDIMENTS TO GSL PROSECUTION AND/OR EXTRADITION OF SUSPECTED TERRORISTS. THE GSL, HOWEVER, WOULD LIKE TO NEGOTIATE A NEW EXTRADITION TREATY WITH THE USG SINCE THE CURRENT TREATY PRE-DATES SRI LANKA'S INDEPENDENCE AND HAS BEEN SUBJECT TO INCREASING LEGAL CHALLENGES DURING COURT CASES IN SRI LANKA. IN SRI LANKA, TERRORISM IS ILLEGAL UNDER THE PREVENTION OF TERRORISM ACT. SRI LANKAN EXTRADITION LAW PERMITS EXTRADITION OF

INDIVIDUALS TO OTHER COMMONWEALTH COUNTRIES. MOREOVER, SRI LANKA IS A SIGNATORY TO THE 1988 SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) REGIONAL CONVENTION ON THE SUPPRESSION OF TERRORISM, WHICH DESIGNATES CERTAIN ACTS SPECIFICALLY AS TERRORIST ACTS AND NOT AS POLITICAL ACTS, THEREBY NULLIFYING ATTEMPTS BY TERRORIST ORGANIZATIONS TO CLAIM POLITICAL MOTIVATIONS FOR VIOLENCE. THE GSL THEREFORE SEEMS OBLIGED TO COOPERATE WITH THE REQUESTS FROM INDIA FOR THE EXTRADITION OF PRABHAKARAN AND POTTU AMMAN, THOUGH IT IS LIKELY THAT ITS OWN PROSECUTION WOULD TAKE PRECEDENCE -- ESPECIALLY NOW THAT PRABHAKARAN HAS ACTUALLY BEEN INDICTED FOR A TERRORIST ACT.

(D) ITSELF A TARGET OF A TERRORIST ORGANIZATION, THE GSL HAS BEEN STRONGLY SUPPORTIVE OF INTERNATIONAL EFFORTS TO ADDRESS THE PROBLEM OF TERRORISM. THE GSL COOPERATED FULLY WITH THE GOVERNMENT OF INDIA IN THEIR INVESTIGATION OF THE RAJIV GANDHI ASSASSINATION. SRI LANKA HAS BEEN QUICK TO CONDEMN INTERNATIONAL TERRORIST ATTACKS IN OTHER COUNTRIES, AND IS A SIGNATORY TO THE TOKYO, THE HAGUE AND MONTREAL CONVENTIONS AGAINST TERRORISM, AND HAS PASSED THE NECESSARY ENABLING LEGISLATION FOR ALL THREE PROTOCOLS.

(E) THE GSL IS CONDUCTING ONGOING COUNTER-TERRORIST AND COUNTER-INSURGENCY OPERATIONS AGAINST THE LTTE, INCLUDING MILITARY ACTIONS AND SPECIAL MEASURES TO PROTECT URBAN AREAS, IMPORTANT INSTALLATIONS AND GOVERNMENT LEADERS. THESE ARE AIMED AT WEAKENING THE LTTE AND INHIBITING ITS ABILITY TO CONDUCT TERRORIST ATTACKS AS WELL AS MILITARY OPERATIONS. THE GSL ADDRESSED TERRORISM ISSUES THIS YEAR IN SEVERAL INTERNATIONAL FORA INCLUDING THE UNGA IN NEW YORK AND THE UNHRC IN GENEVA.

(F) THE GSL DOES NOT SUPPORT INTERNATIONAL TERRORISM.

(G) THE GSL HAS MADE NO PUBLIC STATEMENTS IN SUPPORT OF A TERRORIST-SUPPORTING COUNTRY ON A TERRORISM ISSUE. HOWEVER, IT HAS NOT ACTIVELY PARTICIPATED IN INTERNATIONAL CONDEMNATION OF THE TERRORIST ACTIVITIES OF LIBYA, IRAQ, IRAN AND SUDAN. THE GSL'S SUPPORT OF U.S. STRIKES AGAINST TERRORIST TARGETS IN SUDAN AND AFGHANISTAN WAS ONLY LUKEWARM, WITH THE GSL STATING THAT THE STRUGGLE AGAINST INTERNATIONAL TERRORISM SHOULD BE CONDUCTED "NOT BY UNILATERAL ACTION BUT IN FULL CONFORMITY WITH INTERNATIONAL LAW, THE PRINCIPLES OF THE UN CHARTER AND RESPECT FOR THE SOVEREIGNTY AND TERRITORIAL INTEGRITY OF ALL STATES" (REF B).

(H) THE GSL VIEWS THE OCTOBER 8, 1997 USG DESIGNATION OF THE LTTE AS A FOREIGN TERRORIST ORGANIZATION AS A MAJOR BREAKTHROUGH IN ITS ANTI-TERRORISM EFFORTS. THE USG DESIGNATION HAS ENCOURAGED THE GSL TO MAINTAIN ITS APPROACH TO COMBATING TERRORISM BOTH DOMESTICALLY AND INTERNATIONALLY.

(I) THE GSL HAS ACCEPTED THE U.S. OFFER OF INCREASED ASSISTANCE UNDER THE ANTI-TERRORISM ASSISTANCE PROGRAM (ATA). IN 1998, SRI LANKAN SECURITY FORCES PERSONNEL TOOK PART IN SEPARATE TRAINING PROGRAMS IN EXPLOSIVE INCIDENT COUNTERMEASURES, VITAL INSTALLATION SECURITY, AND POST-BLAST INVESTIGATION. THE GSL HELPED DRAFT AND WAS THE FIRST COUNTRY TO SIGN THE INTERNATIONAL PROTOCOL AGAINST BOMBING AT THE UN IN JANUARY (THE USG SIGNED SECOND). IN 1997, SRI LANKA RATIFIED THE 1988 PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION. IN ADDITION, IT IS EITHER A SIGNATORY, OR HAS TAKEN THE NECESSARY INTERNAL STEPS TO BECOME A SIGNATORY, TO THE 1979 CONVENTION AGAINST THE TAKING OF HOSTAGES, AND THE 1979 CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIALS. THOUGH THE GSL HAS YET TO RATIFY THE 1991 CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSES OF DETECTION, AND

THE 1988 CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, THE MINISTRY OF FOREIGN AFFAIRS HAS INDICATED THAT THE GSL IS RECEPTIVE TO BECOMING A SIGNATORY.

(J-1) THE GSL HAS COOPERATED FULLY WITH U.S. OFFICIALS INVESTIGATING POSSIBLE VIOLATIONS OF U.S. LAW BY INTERNATIONAL TERRORIST ORGANIZATIONS.

(J2) THERE HAVE BEEN NO CONFIRMED CASES OF TERRORIST ACTS DIRECTED AGAINST U.S. CITIZENS IN SRI LANKA.

(K) THE U.S. GOVERNMENT HAS MADE SEVERAL REQUESTS TO THE GSL FOR ADDITIONAL SECURITY MEASURES FOR U.S-PERSONNEL AND FACILITIES IN SRI LANKA. ALL REQUESTS HAVE BEEN MET EXPEOITIOUSLY BY THE GSL. THESE REQUESTS WERE MADE TO ENHANCE SECURITY IN GENERAL AND NOT IN RESPONSE TO ANY IDENTIFIABLE THREAT.

DONNELLY